

REMARKS/ARGUMENTS

Applicant appreciates and thanks the Examiner for the diligent review of the pending claims and the prior art in the presently pending patent application. In response to the OA, Applicant notes that claim 5 was rejected under a nonstatutory obviousness-type double patenting rejection over claim 55 of U.S. Patent No. 6,781,335 (the “’335 Patent”). Further, claims 1-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Popat (U.S. Patent No. 5,760,558), Alderman (U.S. Patent No. 6,100,665), Taichi (Japanese Patent 200125849), Zhang (U.S. Patent Publication No. 2003/0210020) and Shiue et al. (U.S. Patent Publication No. 2003/0214269). Each of these rejections is addressed hereinbelow in view of the above amendments to the claims. After entry of the claim amendments, claims 1-22 remain pending in the present application. Applicant respectfully requests the Examiner to find amended claims 1-22 patentable over the prior art of record for the following reasons:

Double Patenting Rejection

Regarding the double patenting rejection, this rejection is respectfully traversed and is moot in view of the above amendment to claim 5 which now recites additional elements and limitations not present in claim 55 of the ‘335 Patent, namely, the recitation of “the step-up converter having an inductive element.” The Examiner is respectfully requested to withdraw the obviousness-type double patenting rejection in view of the foregoing.

Obviousness Rejection (under 35 U.S.C. 103(a))

Regarding the rejection of claims 1-22 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Popat in view of Alderman, Taichi, Zhang and/or Shiue et al., Applicant respectfully traverses this rejection in view of the above claim amendments and the following remarks.

Regarding the Taichi, Zhang and Shiue et al. references, each of these references has an effective prior art date under 35 U.S.C. 102 which is after the claimed priority date for the present application. Specifically, the present application claims priority to European Patent Application No. 01300816.4, which was filed on 30 January 2001 (see, for example, page 1 of the patent specification as originally filed). In contrast, the Taichi reference was published on 14 September 2001, the Zhang publication is of an application filed on 3 April 2003, which claims priority to an application filed on 3 April 2002 and the Shiue et al. publication is of an

application filed on 14 May 2002. All of these references post-date the claimed priority date of the present application and are not prior art.

While the Examiner did not specifically identify which reference(s) she relies upon in finding obvious any of the pending claims, Applicant notes that the Examiner stated, “Taichi discloses battery to load is couple with boosted voltage” and “Shiue et al discloses battery type claims.” The Examiner apparently relied upon Taichi and Shiue et al. in rejecting claims referring to batteries. Since dependent claims 3-4, 6, 9 and 11-15 each recite one or more batteries, rechargeable power sources or the like, Applicant contends that these claims are not obvious in view of the combinations of Popat, Alderman, Taichi and/or Shiue et al.

Regarding Zhang, the Examiner stated “Zhang discloses shottky [sic] diode and mosfet for step up converter.” Notably dependent claims 7 and 8 recite these elements and are therefore patentable over the combination of Popat, Alderman and Zhang. Therefore, claims 3-4, 6-9 and 11-15 are patentable over the prior art of record because Taichi, Shiue et al. and Zhang are not prior art to the present application. Applicant respectfully requests the Examiner to issue a notice of allowance for these claims.

Applicant understands the Examiner’s finding of unpatentability of claims 1-22 as also relying upon Popat in view of Alderman. Regarding Popat, the Examiner stated that Popat discloses “a power supply and electrically operated architectural cover device including a voltage or current source having varying voltage output .. and electrical device.” Without waiving any right to traverse this finding, Applicant contends that the subject matter not taught in Popat, as acknowledged by the Examiner, is the relevant inquiry of the present OA. That is, the Examiner stated that Popat fails to teach many of the elements of the present claims, specifically the “voltage converting unit including step-up converter, coupling voltage or current source to electrical device and second circuit connecting motor to rechargeable power sour[ce] is step up converter and varying types of batteries and step up converter elements.” Essentially, the Examiner acknowledged that Popat does not teach a step-up converter. Thus, the Examiner explicitly relied upon Alderman, Taichi, Shiue et al. and/or Zhang for disclosing such element.

As stated above, Taichi, Shiue et al. and Zhang are not valid prior art references. Therefore, to render any pending claim obvious based upon the before noted combination of

cited references, Popat in view of Alderman must teach a step-up converter "having an inductive element."

But, neither Popat nor Alderman discloses a step-up converter which includes any inductive elements. In fact, a search of both Popat and Alderman for "induct", "induction", "inductor", and "inductive" resulted in zero (0) hits. There is simply no teaching in Popat or Alderman of a "step-up converter having an inductive element." Therefore, each of the pending claims, as amended, recite elements and limitations that are not disclosed, mentioned or suggested by Popat or Alderman, the cited prior art of record. Each of the pending claims is patentable for at least this reason.

CONCLUSION

In view of the foregoing claim amendments and remarks, Applicant notes that claims 1-22 remain pending, with claims 1, 5 and 22 being amended herewith. Further, Applicant notes that each of the pending claims is patentable over the cited prior art of record and requests the Examiner to so find and to expeditiously issue a Notice of Allowance for all of the pending claims.

If there are any questions regarding this Amendment and Response which may be resolved via telephone, the Examiner is invited to contact Applicant's attorney, John T. Kennedy, at (303) 260-6362.

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Respectfully submitted,



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Enclosures

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